

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

NOV - 5 2004

UNITED STATES OF AMERICA,

Plaintiff,

v.

SANDOVAL COUNTY, NEW MEXICO;
SANDOVAL COUNTY BOARD OF
COMMISSIONERS; WILLIAM SAPIEN,
DAYMON ELY, DAVID BENCY, JACK E.
THOMAS, and ELIZABETH C. JOHNSON,
Members of the Sandoval County
Board of Commissioners; and
VICTORIA DUNLAP, Sandoval County
Clerk,

Defendants.

NO. CIV 88-1457-BB/DJS

ORDER EXTENDING AND MODIFYING CONSENT DECREE

The United States initiated this action against the State of New Mexico and Sandoval County in December of 1988, pursuant to Sections 2, 12(d), and 203 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973, 42 U.S.C. 1973j(d), 42 U.S.C. 1973aa-1a, and 28 U.S.C. 2201, alleging violations of the Voting Rights Act arising from election practices and procedures in Sandoval County, New Mexico (the "County") as they affect Native American citizens. On March 23, 1990, the parties entered into a settlement agreement which provided for the development and implementation of a comprehensive bilingual Native American Election Information Program ("NAEIP") for the American Indian citizens of Sandoval County. A detailed description of the NAEIP

was filed with the court on April 30, 1990; on May 17, 1990, this Court ordered the county to implement the NAEIP. Pursuant to the provisions of the settlement agreement, the case was dismissed as against the state defendants on December 31, 1990.

The County failed to comply substantially with the provisions of the NAEIP. In June 1993, the United States moved to reactivate the case and for continued discovery. The Court granted that motion, and the ensuing discovery uncovered significant evidence of the County's failure to comply with the consent decree. Accordingly, Sandoval County agreed to negotiate an extension and modification of the decree.

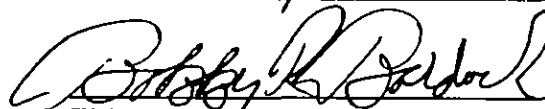
The parties filed a revised consent decree and NAEIP on August 30, 1994. On September 9, 1994, the three-judge court in this case entered the Order Entering Consent Decree (the "Order") which, by its terms, is otherwise set to expire on September 9, 2004.

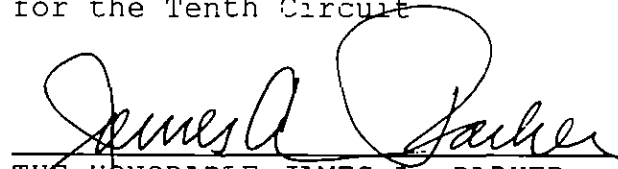
In the parties' Joint Motion for Modification and Extension of Consent Decree presently filed with this Court, defendants concede that they failed to furnish all instructions, assistance and other information relating to voting orally in the Navajo, Towa, and Keresan languages. See 42 U.S.C. 1973aa-1a(c); see also 28 C.F.R. 55.12. The parties agree that this constitutes good cause to extend provisions of the Consent Decree. The parties have agreed to certain modifications of the NAEIP.


After consideration of the Joint Motion for Modification and Extension of Consent Decree and the modified NAEIP, and good cause appearing, the Court finds the terms of the modified consent decree fair and reasonable, and it is hereby ORDERED that this Court's September 9, 1994 Order and NAEIP, as modified, are hereby extended until January 15, 2007.

The Court shall retain jurisdiction of this case to enter further relief or such other orders as may be necessary for the effectuation of the terms of this agreement and to ensure compliance with Sections 2 and 203 of the Voting Rights Act, 42 U.S.C. 1973, 1973aa-1a, and the Fourteenth and Fifteenth Amendments to the Constitution.

Entered this 3rd day of November, 2004.


THE HONORABLE BOBBY R. BALDOCK
Senior United States Circuit Judge
United States Court of Appeals
for the Tenth Circuit


THE HONORABLE JAMES A. PARKER
Senior United States District Judge
United States District Court for
the District of New Mexico


THE HONORABLE BRUCE D. BLACK
United States District Judge
United States District Court for
the District of New Mexico